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RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 4909
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RUEHSA/AMEMBASSY PRETORIA PRIORITY 0169
RUEHCI/AMCONSUL KOLKATA PRIORITY 4244
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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 000742

SIPDIS

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TAGS: [PGOV](#) [PTER](#) [NP](#)

SUBJECT: NEPAL: MADHESI ISSUES HOLDING UP CONSTITUENT
ASSEMBLY

REF: KATHMANDU 728

Classified By: Ambassador Nancy J. Powell. Reasons 1.4 (b/d)

Summary

1. (C) Since June 26, protests by the main Madhesi parties inside the Constituent Assembly have prevented the Assembly from doing any business. The Madhesi parties, with the Madhesi People's Rights Forum (MPRF) leading the charge, are insisting that the Interim Constitution must be amended to provide for an autonomous Madhes. None of the major parties are prepared to support the MPRF demand for a single Madhes from east to west, but they are continuing to talk to the Madhesi leaders. Meanwhile, the Maoists and the Communist Party of Nepal - United Marxist Leninist continue to disagree over who should be President.

Madhesi Protests in the Assembly

2. (C) Beginning on June 26, Madhesi Members of Parliament have crowded around the Chairman's rostrum shouting each time the Constituent Assembly (CA) has been called into session. The net result has been that the Acting Chairman, K.B. Gurung of the Nepali Congress (NC), has called off the meeting after a few minutes. This happened on June 26, June 28 and June

29. The Madhesi People's Rights Forum, which is the largest of the Madhesi parties and the fourth-largest party overall in the CA, is leading the charge. The MPRF as well as the smaller Terai Madhes Democratic Party (TMDP) and Sadbhavana Party are insisting that the Interim Constitution must be amended to provide for an autonomous Madhes as provided in the 8-Point Agreement which the Government of Nepal signed with the three parties (in the form of the United Democratic Madhesi Front) on February 28. (Note: The Agreement did not define Madhes geographically. End note.) They have announced their intention to block the passage of the Fifth Amendment on election of the President and the Prime Minister (reftel) until their concerns are met.

Madhesi Demand Unacceptable

13. (C) In public remarks, MPRF chief Upendra Yadav has stated that the Interim Constitution must provide for a single Madhes from east to west. According to Bhim Rawal, a senior negotiator for the Communist Party of Nepal - United Marxist Leninist (UML), MPRF co-coordinator Jaya Prakash Gupta made the same point to leaders of the Maoists, NC and UML on June 28 at the Prime Minister's residence. When told that this was not the time to raise this issue, that it was for the Assembly to decide, Gupta was adamant. Rawal said to Emboff June 30 that the Madhesi demand was unacceptable. On June 30, NC Spokesperson Arjun Narsingh K.C. took the same stand. The NC, he stated, would not support a federal structure based on ethnicity. If carried to its logical end, the Madhesi parties' stance, he warned, would lead to civil war. Nevertheless, both Rawal and K.C. stressed they had no alternative to dialogue, and would continue talking to the Madhesi parties.

No Maoist-UML Agreement on President

14. (C) Meanwhile, the Maoists are reportedly still unwilling to accept former UML General Secretary M.K. Nepal as the country's first President, citing his defeat in both of the first-past-the-post races he contested. The Maoists are said to be pushing for UML to agree to Madhesi leftist Ram Raja Prasad Singh. K.C. commented June 30 that the NC had stepped aside from the discussion about the President. That was for the Maoists and the UML to decide.

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Comment

15. (C) Embassy sources in the Nepali Congress and the UML do not expect any deal to be reached with the Madhesis on June 30. Madhesi People's Rights Forum chief Upendra Yadav is outside Kathmandu at the moment and unavailable for talks. Madhesi MPs disrupted the scheduled June 30 Constituent Assembly meeting. What is not clear is how far the Madhesi parties are prepared to go to get their way. In spring 2007, they disrupted the then Interim Parliament for several weeks until the Interim Constitution was amended to boost the number of CA seats to be elected from the Terai. In early 2008, they launched a Terai "bandh" (closure) for two weeks, paralyzing Kathmandu until the Nepali Government signed the agreement at the end of February. Some face-saving formula can probably be found, but if the Madhesis continue to insist on a single Madhes across the Terai, they may find more forces arrayed against them than they have encountered in the past. Maoist chairman Pushpa Dahal (aka Prachanda) on June 30 publicly accused them of blocking the formation of a new government by obstructing the CA proceedings.

POWELL